

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PACIFIC CYCLE, INC.

Plaintiff,

ORDER

v.

12-cv-529-wmc

POWERGROUP INTERNATIONAL, LLC,
(a/k/a POWERGROUP INTERNATIONAL, INC.),
TOMBERLIN AUTOMOTIVE GROUP, INC.,
and MICHAEL TOMBERLIN,

Defendants.

On August 20, 2013, the court entered an order granting summary judgment in favor of plaintiff on its claims against defendant Powergroup International, LLC. On November 6, 2013, after a court trial, the court entered an order dismissing plaintiff's claims against defendant Michael Tomberlin with prejudice. The sole remaining claim in the case is against defendant Tomberlin Automotive Group, Inc., which is presently a petitioner in bankruptcy.

The court now finds that there is no just reason for delay in entering final judgment on the claims between plaintiff Pacific Cycle, Inc. and defendants Powergroup International, LLC and Michael Tomberlin.

ORDER

IT IS ORDERED that judgment be entered in favor of plaintiff Pacific Cycle, Inc. against Powergroup International, LLC in the amount of \$1,560,000, plus interest at a rate of 12% per annum and attorney's fees.

IT IS FURTHER ORDERED that judgment be entered in favor of defendant Michael Tomberlin dismissing plaintiff's claims against him with prejudice.

IT IS FURTHER ORDERED that the pending action against defendant Tomberlin Automotive Group, Inc. is dismissed without prejudice subject to its reopening upon reference from or completion of bankruptcy proceedings.

IT IS FURTHER ORDERED that any order to reopen shall place this case at the head of the docket for immediate judicial attention.

Entered this 22nd day of November, 2013.

BY THE COURT

/s/

WILLIAM M. CONLEY
District Judge